

Caption in compliance with D.N.J. LBR 9004-1(b)

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In Re:

STEPHEN J. CONTE, JR.,

Debtor.

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY
NEWARK VICINAGE

Chapter 11

Case No. 18-29278 JKS

**CERTIFICATION OF STEPHEN J. CONTE, JR. IN OPPOSITION TO THE
MOTION OF THE UNITED STATES TRUSTEE TO DISMISS OR CONVERT CASE**

Stephen J. Conte, Jr., of full age, certifies as follows:

1. I am the debtor herein. I make this certification in opposition to the motion of the United States Trustee to Dismiss or Convert my case. I filed for bankruptcy relief in order to, *inter alia*, address my tax debts and the defaulted mortgage covering my family's home.

2. My tax debts developed in part by the failure of my prior accountant to file tax returns. From approximately 2013 to 2017, I had been working with an accountant who had repeatedly promised that he was arranging for all of my tax returns to be filed timely and in the ordinary course. After the accountant died, I learned that he had not been filing my returns at all. This accountant's misconduct prompted the IRS to open an investigation.

3. I have retained a new accountant (Thomas Grbelja, CPA) for the purpose of preparing all delinquent returns and addressing the IRS' investigation.

4. Since the commencement of the case, with the help of Mr. Grbelja, I reconstructed my finances from 2013 and prepared my personal returns for 2013 through 2018. On October 21, 2019, I filed the returns. Due to the pending IRS investigation, I was unable to file them earlier by mail or electronically. I have been working towards have an IRS agent review the tax returns before they were filed because of the outstanding investigation. My understanding is that the IRS agent has reviewed the returns and is satisfied that they can be filed. I filed them directly with the investigator.

5. In October, 2019, I provided the US Trustee with the following items it sought through its motion to dismiss or convert:

- A. copies of my personal State and Federal Tax returns from 2016 – 2018;
- B. copies of the most recently filed tax returns for the companies in which I hold an interest (Rochamus Medical Equipment Corp.; Vestibula Diagnostics, PA, and 396 Medical Management Corp.);
- C. proof of my opening of a DIP account in October, 2019;
- D. copies of the deed and affidavit of title relating to the transfer of an interest in the 395 North Farview Avenue. Paramus, NJ real estate;
- E. copies of documents relating to my life insurance policy.

6. I directed my insurance agent to add the US Trustee as a certificate holder to my homeowner's insurance, and I am seeking an appraisal or price opinion of the real estate. I anticipate providing these documents to the US trustee in advance of the hearing on the motion.

7. In addition, my accountant prepared the monthly operating reports for May, 2019 through August, 2019; I am reviewing them and expect to have them filed in advance of the hearing.

8. Now that my tax returns are filed, I am in position to determine the amount of my debts and propose a plan of reorganization. I ask that the court refrain from dismissing or converting the case, so I have the opportunity to do so.

I certify that the forgoing statements are true. I am aware that if the foregoing statements are willfully false, I am subject to punishment.

Dated: 10/23/19

/s/ Stephen J. Conte, Jr.

Stephen J. Conte, Jr.

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